

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**LYNWOOD WRIGHT, *et al.*,**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO.  
2:08-CV-03-P-A**

**LIFE INVESTORS INSURANCE  
COMPANY OF AMERICA,**

**DEFENDANT**

**ORDER**

The defendant Life Investors Insurance Company of America asks the court to strike the plaintiffs' expert designations. Docket #87. The plaintiffs served their expert designation on September 30, 2009; the designation identified the experts and provided their contact information, a description of their qualifications, a summary of their expected testimony and stated that the experts had not prepared written reports as of the date of the designation. Docket # 81. Plaintiffs served an amended expert designation on November 13, 2009.

The relevant deadlines in this case are as follows:

Plaintiffs' expert designation deadline:	October 1, 2009
Defendant's expert designation deadline:	November 12, 2009
Discovery deadline:	February 11, 2010

The defendant waited until over a month after plaintiffs filed the initial designation to file this motion with the court. More importantly, the motion to strike did not contain a good faith certificate as required by Rule 37(a) of the Uniform Local Civil Rules of the United States for the Northern District of Mississippi and the Southern District of Mississippi. Failure to abide by Rule 37(a) is grounds for denial of a discovery motion. L.U.Civ.R. 37(c). The good faith certificate is evidence to the court that the parties have conferred in good faith regarding the discovery dispute and were unable to resolve it without the court's intervention. This particular

issue most likely could have been resolved between the parties without the court's intervention and is precisely why the court requires a good faith certificate. Further, defense counsel's delay in raising the issue with the plaintiff exacerbated any potential prejudice.

For these reasons, it is **ORDERED**

That the defendant's motion to strike the expert designations is **DENIED**

This the 1<sup>st</sup> day of December, 2009.

/s/ S. Allan Alexander  
UNITED STATES MAGISTRATE JUDGE